

REMARKS

Claims 2-12 are in the application.

As a result of the foregoing Amendment, claim 12 has been amended to insert the word "electrically" so as to make it clear that the electrostrictive element is electrically connected to the second electrical circuit.

No new matter has been added as a result of the change to claim 12. The fact that electrostrictive element is electrically connected to the second electrical circuit is clear from the application as originally filed.

Applicant has noted that the Examiner has indicated that claims 7 and 8 would be allowable if rewritten in independent form.

However, applicants respectfully submit that all of the claims in the present application are patentable over the art of record.

Accordingly, reconsideration and withdrawal of the rejection of claims 2 - 6 and 9 - 12 under 35 U.S.C. §102(b) as being anticipated by Block, are respectfully requested.

Applicants respectfully disagree with the position taken by the Examiner that pick-up needle 37 shown in Fig. 3 of the reference to Block constitutes a connection of an electrostrictive element with a second electrical circuit. Applicants respectfully submit that:

1. Contacting of a needle with a rotating vinyl disk does not constitute a connection, not even in the mechanical sense and certainly not in the electrical sense.
2. The reference to Block nowhere discloses that the vinyl disk is rotated electrically. It would entirely possible to rotate the vinyl disk by means of a mechanical device; however, neither method is disclosed in the reference. Column 2, lines 23 to 27, disclose that the "phonographic pick-up needle...mechanically coupled to the diaphragm electrode of the capacitive transducer"; accordingly, the present invention is distinguished over the reference as a result of including the word "electrically" and describing the connection between the electrostrictive element and the second electrical circuit.

In addition, it is respectfully pointed out that the pick-up needle 37 only acts on the diaphragm 23 and not on a piezoelectric or magnetostrictive component, so that an analogy between the reference and the present invention does also not exit in this respect.

Moreover, the attention of the Examiner is respectfully directed to column 4, lines 54 to 64, wherein it is clearly stated that the pick-up needle 37, which includes a diamond stylus 38, rides in the groove 39 of the recording disk 41 and picks up mechanical vibrations induced in the middle 37 which are transmitted to the diaphragm 23 via a mechanical linking or coupling member which is fixedly secured to the central region of the diaphragm 23.

Finally, it is also to be mentioned that the device disclosed in Fig. 3 of the reference to Block clearly does not include a "power supply" for imparting a predetermined voltage to an electrostrictive element; rather, the needle of the reference to Block deforms the membrane 23 and the information is measured as a change of the capacity without changing the acoustic properties of the transducer.

Accordingly, particularly in view of the fact that the Examiner is incorrect in considering the device shown in Fig. 3 of the reference to Block a second electrical circuit and the fact that the reference does not provide for an electrostrictive element, it is submitted that claim 12 and the claims depending therefrom, are patentable over the art of record.

Therefore, in view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 20, 2006.

By: *FK*
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